

AMENDED IN ASSEMBLY APRIL 28, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1000

Introduced by Assembly Member Weber

February 26, 2015

An act to repeal and add Section 89712 of the Education Code, relating to the California State University.

LEGISLATIVE COUNSEL'S DIGEST

AB 1000, as amended, Weber. California State University: student success fees.

Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state. Existing law authorizes the trustees by rule to require all persons to pay fees, rents, deposits, and charges for services, facilities, or materials provided by the trustees to those persons. Existing law prohibits specified California State University campus-based mandatory fees from being reallocated without an affirmative vote of the majority of the members of either the student body or a specified campus fee advisory committee voting on the fee reallocation, unless the vote that established the fee authorizes an alternative or automatic reallocation mechanism for that fee.

Existing law prohibits a campus or the Chancellor of the California State University from approving a student success fee, as defined, before January 1, 2016. Existing law requires the chancellor to conduct a review of the trustees' fee policy related to student success fees, submit recommended changes to the fee policy to the trustees, consider specified information in conducting that review and in preparing his or

her recommended changes to the policy, and to submit a report regarding those proposed changes to the Department of Finance and the appropriate fiscal and policy committees of the Legislature, on or before February 1, 2015.

This bill would revise and recast the requirements related to student success fees. The bill would prohibit a campus of the California State University, or the Chancellor of the California State University, from imposing a student success fee, as defined, unless certain requirements are met. The bill would establish procedures for campus elections for the adoption or rescission of student success fees. The bill would require the chancellor to report a summary of the fees adopted or rescinded in the prior academic year, and the uses of proposed and currently implemented fees, annually to the Department of Finance and the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 89712 of the Education Code is repealed.
- 2 SEC. 2. Section 89712 is added to the Education Code, to read:
- 3 89712. (a) (1) A campus of the California State University,
- 4 or the Chancellor of the California State University, or both, shall
- 5 not approve a new student success fee or an increase to an existing
- 6 student success fee, as defined in subdivision (f), before all of the
- 7 following requirements are satisfied:
- 8 (A) The campus undertakes a rigorous consultation process that
- 9 informs and educates students on the uses, impact, and cost of any
- 10 proposed student success fee or student success fee increase.
- 11 (B) The campus informs its students of both of the following:
- 12 (i) That, except as provided in clause (ii), a student success fee
- 13 may be rescinded by a majority vote of the students, as specified
- 14 in subdivision (c). The fee may not be rescinded earlier than six
- 15 years following the vote to implement the fee.
- 16 (ii) If any portion of the student success fee is committed to
- 17 support ongoing or long-term obligations, that portion of the fee
- 18 may not be rescinded until the obligation has been satisfied ~~or, if~~
- 19 ~~the obligation extends beyond 12 years, that portion of the fee~~
- 20 ~~committed to the obligation shall be rescinded not sooner than 12~~
- 21 ~~years following the vote to implement the fee, by a majority vote~~

1 ~~of the students as specified in subdivision (e).~~ *or the campus has*
2 *identified, pursuant to the process established in subdivision (e),*
3 *an alternative funding source for the ongoing or long-term*
4 *obligation.*

5 (C) The campus shall hold a binding student election on the
6 implementation of any proposed student success fees, or any
7 increase to an existing student success fee, and a majority of the
8 student body voting on the fee must vote affirmatively.

9 (2) Implementation of a fee supported by a majority of the
10 campus student body voting on the fee is contingent upon final
11 approval of the Chancellor of the California State University.

12 (3) A student success fee proposal may not be brought before
13 the student body more frequently than once per academic year.

14 (b) A student success fee in place on January 1, 2016, may be
15 rescinded by a binding student vote under the procedures
16 authorized in subdivision (c) only after at least six years ~~has~~ *have*
17 elapsed following the ~~vote to implement~~ *implementation of* the
18 fee.

19 (c) (1) Student success fees may be rescinded with a binding
20 student vote wherein a simple majority of those students voting
21 vote to rescind the fee. The student vote shall comply with all of
22 the following:

23 (A) A campus decision to vote is formally approved by the
24 recognized student government.

25 (B) Rescission vote proposals shall not be brought before the
26 student body more frequently than once per academic year.

27 (C) In the process of reconsidering a student success fee, and
28 before the student vote occurs, the students shall be informed, if
29 a portion of the fee is supporting ongoing or long-term obligations,
30 the dollar amount of that portion, and the date on which the
31 ongoing or long-term obligation would be satisfied or rescinded,
32 as described in clause (ii) of subparagraph (B) of paragraph (1) of
33 subdivision (a).

34 (2) No new contractual or other obligation that would be
35 supported by the rescinded student success fee may be entered into
36 following a vote to rescind the fee.

37 (3) *Upon rescission of a student success fee that funds an*
38 *ongoing or long-term obligation, a campus shall review, pursuant*
39 *to the process established in subdivision (e), the potential for that*
40 *obligation to be funded by other university funding sources.*

(d) The Chancellor of the California State University shall ensure that all of the following ~~occurs~~ *occur* on each campus:

(1) There is majority student representation in campus student success fee allocation oversight groups.

(2) There is *an annual report from each campus* ~~reporting~~ to the chancellor on student success fees.

(3) There is uniform, transparent, online accountability in the decisionmaking process *for*; and a detailed accounting ~~of~~ *of*, the allocation of student success fees.

(e) *The Chancellor of the California State University shall do all of the following:*

(1) *Define an ongoing or long-term obligation for purposes of this section.*

(2) *Define a process for a campus to review the possible transition of funding for an ongoing and long-term obligation from a student success fee that has been rescinded to other university funding sources.*

(3) *Establish appropriate reporting procedures to ensure that a campus is in compliance with the requirements of this section.*

~~(e)~~

(f) The chancellor shall report, by December 1 of each year, to the Department of Finance, and the Legislature pursuant to Section 9795 of the Government Code, a summary of the fees adopted or rescinded in the prior academic year, and the uses of proposed and currently implemented fees.

~~(f)~~

(g) For purposes of this section, a “student success fee” is a type of category II campus-based mandatory fee that is required to be paid by a student before that student may enroll or attend a campus of the California State University, as determined by that campus or the Chancellor of the California State University.